

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CLIFTON HAMPTON,)
)
Plaintiff,) Civ. No. 3:08-CV-315
) (Phillips/Guyton)
v.)
MICHAEL ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER OF REMAND UNDER SENTENCE FOUR
OF 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under **sentence four** of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters a judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S. Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S. Ct. 2157, 2163 (1991).

On remand, the ALJ will further evaluate Dr. Mounhayer's opinion. If the ALJ rejects any portion of Dr. Mounhayer's opinion, a rationale will be provided. In addition, the claimant will have the opportunity to submit new evidence. The ALJ will conduct a new hearing and obtain expert vocational testimony concerning the availability of jobs. Alternatively, if a fully favorable decision can be rendered by the ALJ, based upon a review of the updated record without the benefit of additional testimony, then a hearing will not be necessary.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Thomas H. Phillips
U. S. District Judge

Proposed by:

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